IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.28232 of 2004
MUKESH MITTAL & ANR
Versus
STATE OF BIHAR & ANR
---

8 18.8.2008 Heard learned counsel for the petitioners as also the learned A.P.P. for the State. Although notice was duly served on O.P. No.2 yet he has not cared to appear or contest this application.

The present prosecution for alleged offences under sections 323, 406 and 420 I.P.C. in connection with Complaint Case No. 312(C) of 2003 and by this application the petitioners pray for quashing of the order dated 23.12.2003 passed by Sri D.L.Prasad, Judicial Magistrate, 1st Class, Begusarai, whereby he has taken cognizance.

WEB COPY NOT OFFICIAL

It has been submitted by learned counsel for the petitioners with reference to certified copy of a compromise petition filed before the 5th Additional Sessions Judge, Begusarai in Bail Petition No. 160 of 2004 that the parties have compromised their differences and disputes. The said petition appears to have been signed by both parties and attested by their respective counsels.

Since O.P. No. 2 has not appeared before this Court no one is here to approve the submissions of the compromise have been arrived at between the parties.

In that view of the matter and as pleaded that compromise had been arrived at between the parties the petitioners are directed to appear in the Court below and filed a fresh petition or compromise and on the basis thereof the court below will dispose of the matter since all the three offences were under cognizance has been taken are compoundable under the provisions of section 320 Cr.P.C.

With the aforesaid observation this application is disposed of.

Spd/- **(Abhijit Sinha, J.)**

WEB COPY NOT OFFICIAL